

 DEPARTMENT OF ENVIRONMENTAL QUALITY	OPERATING PROCEDURE LAND AND WATER MANAGEMENT DIVISION	NUMBER: 303-07-01
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SUBJECT: CORRECTION OF A RECORDED CONSERVATION EASEMENT		EFFECTIVE DATE: 06/05/07
SECTION AND/OR UNIT: Lakes, Streams and Shorelands Section / Wetlands, Lakes and Streams Unit	APPROVAL SIGNATURE:	ALSO SEE:
	Elizabeth M. Browne, Acting Chief Land and Water Management Division	

PURPOSE: To provide guidance to Land and Water Management Division (LWMD) staff regarding the correction of a conservation easement.

BACKGROUND: The LWMD currently holds 1200 recorded conservation easements (CEs) and receives 150-200 new ones annually, generally in fulfillment of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, permit conditions. The CEs are conveyances of interests in real property. The LWMD receives occasional requests to amend the legal description of a CE to correct a scrivener's error. A scrivener's error is a minor change in the legal description or a minor correction to the document that requires re-recording of the CE. The LWMD establishes the following procedures for processing requests for amendment of CEs.

WHO	DOES WHAT
REQUESTER	<p>Submits, in writing, a request to amend the legal description of a CE held by the Department of Environmental Quality (DEQ) to correct an error. The request needs to include the following:</p> <ol style="list-style-type: none"> 1. A copy of the recorded CE. 2. The reasons and need for the amendment. 3. The current fee simple title holders and any other interest holders. 4. Legal description of proposed change or revised CE document. 5. Fee to re-record the document.
CONSERVATION EASEMENT COORDINATOR	<p>Reviews the request for completeness.</p> <ul style="list-style-type: none"> • Determines if the error is minor in nature, i.e., the boundary of the CE area will not change with the correction. • Determines if the correction will require re-recording of the CE document or may require an affidavit signed by requestor to re-record. • Prepares the documents necessary for proper conveyance and recording. • Arranges for the recording of the CE modification with the Register of Deeds in the county where the CE is located.
COUNTY REGISTER OF DEEDS	Returns the original of the recorded CE modification to the CEC.
CONSERVATION EASEMENT COORDINATOR	Retains the original for the DEQ files and sends copies to the requester and the appropriate LWMD staff.